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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,685	05/30/2000	Charles Douglas Blewett	1999-0076	1770

7590 07/27/2005

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EXAMINER
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LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/27/2005

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/580,685

Applicant(s)

BLEWETT ET AL.

Examiner

DANH C. LE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicants' petition filed January 24, 2005, has been treated as a request for confirmation.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 3, 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz (US 6,424,706).**

As to claim 1, Katz teaches a method for providing temporary wireless services on a pay per use basis over a wireless local area network (figure 2A), comprising:

providing a temporary wireless service connection to a non-subscribing user;  
determining a usage amount incurred by the user for the temporary wireless service connection; and  
charging the user for the determined usage amount for the temporary wireless service connection.

As to claim 3, Katz teaches the method of claim 1, wherein the usage amount is determined by how many minutes the user was provided the temporary wireless service connection (figure 2).

As to claim 5, Katz teaches the method of claim 1, wherein the usage amount is determined per transaction incurred by the user (figure 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 2, 4, 6-11, 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Wang (US 6,526,033).**

As to claim 2, Katz teaches the method of claim 1 in which transfer the data to the web server, Katz fails to teach providing a temporary wireless service connection to the user includes dynamically assigning an IP address to the user. Wang teaches providing a temporary wireless service connection to the user includes dynamically assigning an IP address to the user (col.5, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Wang into the system of Katz in order to transfer data in the packet network.

As to claim 6, the combination of Katz and Wang teaches the method of claim 1, wherein the usage amount is determined per packet transferred by the user (Wang, col.2, lines 5-18).

As to claim 9, Katz teaches the method for providing a temporary wireless service connection to one or more users in a wireless local area network (figure 2), comprising:

- receiving a request for temporary wireless service for a predetermined time interval from a user;

- establishing a temporary wireless service connection for the user with the predetermined time interval, and terminates the connection when the predetermined time interval expires;

- determining a usage amount for the temporary wireless service connection for the user, the usage amount being based at least in part on the number of minutes in the limited predetermined time interval; and

- charging the user for the usage amount for the temporary wireless service connection.

Katz fails to teach a dynamic host configuration mechanism apportions an IP address to the user for the connection. Wang teaches a dynamic host configuration mechanism apportions an IP address to the user for the connection (col.5, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Wang into the system of Katz in order to transfer data in the packet network.

As to claim 10, Katz teaches the method of claim 9, wherein the user is charged for the usage amount based on the number of minutes the user was provided with the temporary wireless service connection (figure 2).

As to claim 11, Katz teaches the method of claim 9, wherein the usage amount is determined at least in part by the amount of data transferred by the user (Wang, col.10, lines 16-30).

As to claim 13, Katz teaches the method of claim 9, wherein the step of establishing a temporary wireless service connection for the user includes receiving payment information from the user (figure 2).

As to claim 14, Katz teaches the method of claim 13, wherein the step of establishing a temporary wireless service connection for the user includes verifying the payment information received from the user (figure 2).

As to claim 14, Katz teaches the method of claim 9, wherein charging the user for the usage amount for the temporary wireless service connection includes receiving a payment from the user (figure 2).

As to claim 17, Katz teaches a system for providing a temporary wireless service connection to a user's wireless device (figure 2), comprising:

- a wireless device; and

- a local wireless network for establishing a temporary wireless service connection to the wireless device, determining a usage amount for the temporary wireless service connection, and charging for the usage amount for the temporary wireless service connection;

- the local wireless network including configure to the user for a limited time interval, the determined usage mount being based at least in part on the time interval.

Katz fails to teach a dynamic host configuration mechanism for apportioning IP address. Wang teaches a dynamic host configuration mechanism for apportioning IP address (col.5, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Wang into the system of Katz in order to transfer data in the packet network.

As to claim 18, Katz teaches the system of claim 17, wherein the wireless device is a personal digital assistant (col.9, lines 26-48).

As to claim 19, Katz teaches the he system of claim 17, wherein the usage amount is determined by one of the following: per packet transferred, per time used, per transaction transacted and per byte transferred (figure 2).

As to claim 20, the combination of Katz and Wang teaches the system of claim 17, wherein the local wireless network includes a facility for assigning a dynamic IP address to the wireless device (figure 3).

As to claim 21, the combination of Katz and Wang teaches the method of claim 1, wherein the step of providing a temporary wireless service includes using a dynamic host configuration mechanism to apportion an IP address to the user for a limited time interval (Wang, col.5, lines 59-65).

As to claim 22, the combination of Katz and Wang teaches the method of claim 21, wherein the usage amount is determined by how many minutes the user was provided the temporary wireless service (figure 2).

As to claim 23, the combination of Katz and Wang teaches the method of claim 9, wherein the user is a nonsubscribing user.

As to claim 24, the combination of Katz and Wang teaches the method of claim 17, wherein the user is a nonsubscribing user.

As to claims 4, 7, 8 and 15, the combination of Katz and Wang teaches the method of claim 1, the combination of Katz and Wang fails to teach the usage amount is determined per byte transferred by the user, the wireless service connection is provided to the user using an 802.11 standard wireless protocol connection and receiving a wireless service termination signal from the user. However, the examiner takes Official Notice the reciting limitations are known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of above reciting limitations into the system of Katz and Wang in order to enhance the system performance of the transferring telecommunication system.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Lee et al (US 6,847,632) teaches method and apparatus for digital cellular internet voice communications.

B. Shobatake et al (US 6,654,607) teaches method and apparatus for enabling and monitoring mobile communication across platforms.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "danh", is written over a horizontal line.

June 26, 2005.

DANH CONG LE  
PATENT EXAMINER